

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
LEGENDARY FIELD EXHIBITIONS,	§	
LLC,	§	CASE NO. 19-50900-CAG
	§	CHAPTER 7
	§	
Debtor.	§	
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	§	
DUNDON CAPITAL PARTNERS LLC,	§	
	§	
Plaintiff,	§	
	§	ADV. NO. 22-05077
v.	§	
	§	Judge: Craig A. Gargotta
CHARLES EBERSOL,	§	
	§	
Defendant.	§	

UNOPPOSED MOTION TO EXTEND TIME TO ANSWER

TO THE HONORABLE CRAIG GARGOTTA, U.S. BANKRUPTCY JUDGE:

Charles Ebersol files this Unopposed Motion to Extend Time to Answer and would respectfully show:

1. Dundon Capital Partners, LLC (“DCP”) filed this suit on November 14, 2022 at 3:44 p.m. (“05077”).
2. About 1 hour and 20 minutes later, at 5:05 p.m., Randolph N. Osherow filed Adversary Proceeding No. 22-05078, styled *Osherow v. Thomas Dundon, et al.* (“05078”).
3. Adversary Proceedings 05077 and 05078 are related; the Trustee’s suit alleges that DCP and others breached promises and duties related to funding and operating the AAF and this 05077 alleges that Ebersol made misrepresentations to DCP about the AAF’s debts and funding requirements.

4. At the time 05077 and 05078 were filed, the parties in all the cases were actively discussing consolidating the cases for pretrial proceedings and possibly for trial under a single consistent case management order.

5. The Trustee and defendants in 05078 agreed to extend defendant's time to answer or move in that proceeding to February 7, 2023. Concomitantly, the Trustee's time to answer the motion to dismiss defendants filed was extended to March 24, 2023. These parties deferred discussion of a comprehensive scheduling order.

6. As a result of confusion in communications, Ebersol's counsel believed that his answer date would be tied to a common scheduling order for the two proceedings and therefore did not file an answer or motion to extend at that time.

7. The parties agree that considering the misunderstanding that Ebersol should receive an extension of time to file his answer up to and until March 9, 2023. Ebersol is contemporaneously with the filing of this motion, filing his Original Answer to Plaintiff's Original Complaint. A copy of that Answer is attached hereto as ***Exhibit A***.

FOR THESE REASONS defendant Ebersol respectfully requests that the Court enter an order extending Ebersol's time to answer up to and through March 9, 2023.

Respectfully submitted,

**THOMPSON, COE, COUSINS AND IRONS,
LLP**

By: /s/ William N. Radford

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ATTORNEYS FOR CHARLES EBERSOL

CERTIFICATE OF CONFERENCE

This is to certify that on this day, the undersigned conferred with Brent Hockaday, one of the attorneys representing Plaintiff, and Mr. Hockaday advised that Plaintiff is unopposed to the foregoing Motion to Extend Time to Answer.

/s/ William N. Radford
William N. Radford

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on or before the March 6, 2023, a true and correct copy of the foregoing document was served to the below listed parties via electronic means as listed on the Court's ECF noticing system or by electronic mail.

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